

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAO) NO. 572 OF 2016
AND
CIVIL APPLICATION (CAO) NO. 573 OF 2016
AND
CIVIL APPLICATION (CAO) NO. 574 OF 2016
AND
CIVIL APPLICATION (CAO) NO. 1745 OF 2015
AND
CIVIL APPLICATION (CAO) NO. 1746 OF 2015
AND
CIVIL APPLICATION (CAO) NO. 1747 OF 2015
AND
CIVIL APPLICATION (CAO) NO. 477 OF 2015
IN
MISC. CIVIL APPLICATION ST. NO.15249 OF 2006
IN
REJ. M.C.A. NO.483 OF 2002
IN
MISC. CIVIL APPLICATION ST. NO.14513 OF 2002
IN
WRIT PETITION NO.976 OF 1991 (D)

(AZAMSHAH NATTHUJI KHANDATE, THR. LRS. & OTH...VS.. STATE OF MAHARASHTRA & OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri R.J.Kankale, Advocate for Applicants/Petitioners.
Ms Kalyani Deshpande, A.G.P. for N.A./Respondent No.1.

CORAM : Z.A.HAQ, J.
DATED : JUNE 28, 2019.

CIVIL APPLN.NO.573/2016 & 574/2016.

Accepting the explanation given in the applications and as the respondents are not opposing the applications, inasmuch as reply is not filed by them, delay in filing the applications seeking permission to bring on record legal representatives of the respondent No.2(a) and 2(b) is condoned, the abatement is set aside and the

petitioners are permitted to bring on record legal representatives of the respondent Nos. 2(a) and 2(b).

The Civil Applications are **allowed** accordingly.

CIVIL APPLN.NO. 1745/2015, 1746/2015 & 1747/2015.

The learned Advocate for the applicants/petitioners states that Ku. Gulab Kaur daughter of applicant No.1 has also died. It is prayed that the applicants/petitioners be permitted to delete name of the applicant/petitioner No.1 Azamshah from the array of the petitioners.

The prayer is granted at the risk of the applicants/petitioners.

The learned Advocate for the petitioners states that in view of deletion of the name of petitioner No.1, these applications do not survive.

The Civil Applications are **disposed** accordingly.
No costs.

CIVIL APPLN.NO.477/2015.

This application is filed by the petitioners praying that delay of 4 years and 7 months in filing Misc.Civil Application St.No. 15429 of 2006 be condoned. Misc. Civil Application St.No. 15249 of 2006 is filed praying that Misc. Civil Application St.No.14513 of 2002 be restored.

Misc. Civil Application St. No. 14513 of 2002 was filed with the prayer for restoration of the petition.

In the petition orders passed by the authorities and the Maharashtra Revenue Tribunal in the proceedings under the Maharashtra Restoration of Land to Scheduled Tribes Act, 1974 were challenged, the petitioners claiming to be tribals and respondent No.2 being the purchaser of the agricultural land.

The facts on record show that the petitioners have not shown any diligence in prosecuting the matter. Though there were 8 petitioners, none of them had taken steps to give instructions to the lawyer at appropriate stage. The delay of 4 years and 7 months in filing Misc. Civil Application Stamp No. 15249 of 2006 is explained by stating that the Advocate, who represented the petitioners in August 2006, got knowledge that registration of Misc. Civil Application St.No. 14513 of 2002 was refused on 21st October 2002. It is not pointed out as to why Misc. Civil Application St. No. 14513 of 2002 was not prosecuted diligently and why the application was not circulated for appropriate orders of the Court.

In view of the callous approach of the petitioners and as there is no proper explanation for the inordinate delay in filing Misc.Civil Application St.No.15249 of 2006, the prayer for condonation of delay is rejected.

Civil Application No.477 of 2015 is **dismissed**. Consequently, Misc. Civil Application St. No. 15249 of 2006 is **rejected**. No costs.

JUDGE